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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,820	04/21/2004	Werner Seifried		7258

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DILWORTH & BARRESE, LLP
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EXAMINER

WINNER, TONY H

ART UNIT	PAPER NUMBER
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3611

MAIL DATE	DELIVERY MODE
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07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/828,820

Applicant(s)

SEIFRIED ET AL.

Examiner

Tony H. Winner

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Acknowledgment

1. Receipt of an RCE filed 4/20/07 has been acknowledged and entered. Claims 12, 12-15, and 20. The office is withdrawing the drawing objection and rejections in view of the amendment.

Specification

2. The disclosure is objected to because of the following informalities: Designation '24' of the drawings is not identify in the specification.

Appropriate correction is required.

Withdraw Previously Allowed Claims

3. The indicated allowability of claims 4-5, 14-16 and 18-19 is withdrawn. The delay in citation of the new grounds of rejection is regretted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 6-11, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rzehulka (European 0990557) in view of Weir (USPN. 4,262,923).

Rzehulka discloses all of the structural as claimed (figure 7), the system for the transportation of construction machines comprising:

The front subassembly for coupling to a tractor vehicle and a rear subassembly, wherein

The front subassembly has a first locking unit positioned on a rear end of the front assembly for joining to a first end of a construction machine or an intermediate part, and the rear subassembly has a second locking unit positioned at a front end of the rear assembly for joining to a second end of the construction machine or the intermediate part, and

The construction machine itself or intermediate part joined together with the front subassembly and the rear subassembly provides a single transportation unit.

Rzehulka lacks the teaching the front and rear subassemblies each includes a truck undercarriage with one or more axles.

Weir discloses multi-purpose over the highway trailer arrangements wherein the front and rear subassemblies (dollies) include a truck undercarriage (col 2 lines 57-64) for supporting heavy loads.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the front sub assembly (dolly) of Rzehulka as

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taught by Weir to include a truck undercarriage. Such a modification would provide the front sub-assembly a means to support heavy loads.

With regard to claims 3 and 6-11, Rzehulka as modified by Weir meets all of the claimed limitations.

5. Claims 4-5, 16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rzehulka in view of Evans (USPN. 6,663,131 B2).

Rzehulka is discloses above but lacks the teaching of a self-contained units (front and rear sub-assembly) that can be raised and lowered.

Evans discloses a dolly for towing disabled trailers wherein the dolly's subassembly can be raised and lower so that the unit may be couple and/or lock with another unit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dolly of Weir as taught by Evans to include a means to raise/lower the subassembly. Such a modification would provide the subassembly with a means to be raised/lower, thus, facilitates coupling and/or lock with another unit.

With regard to claims 16 and 18-19, the examiner takes position that the word "ability" is not a positive limitation but only requires the ability to so perform. Therefore, Rzehulka alone as applied to claim 16 and Rzehulka as modified by Evans for claims 18-19, meets all of the functional language limitations in the broadest sense.

Response to Arguments

6. Applicant's arguments filed 4/2/07 have been fully considered but they are moot in view of new ground/combination of rejections.

Conclusion

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm. The fax phone number for the organization where this application or proceeding is (571) 273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6584.


TONY WINNER
PATENT EXAMINER
6/11/07